

REMARKS

The Office Action of August 1, 2003 has been reviewed and the comments therein were carefully considered. Claims 1-22 remain pending in the application. Claims 1-22 stand rejected.

Rejections under 35 USC § 102

Claims 1-21 stand rejected under 35 U.S.C. 102(e) as being anticipated by Shulman et al. (U.S. Patent Application Pub No. US2001/0030664).

Of the rejected claims, claims 1, 8, 16, 20, and 21 are the independent claims. Claim 1 includes the feature of “(b) generating at the first media player a tune alert message **formatted to reconfigure the second media** player to provide the content to a user of the second media player.” Tune alert messages are described, for example, in paragraph 20 of the present application as follows:

In operation, while listening to a radio broadcast, media player 102 may transmit a tune alert message to media player 108 via message server 106. The tune alert message may be formatted to automatically tune media player 108 to the broadcast identified in the tune alert message.

The Office Action alleges that this feature is disclosed in Shulman et al. because “the user can tune the alert message by customizing to his/her own choice and reconfiguring it to send to a second user or more of the Interest group (as illustrated in Fig. 3 by setting level 320).” The above cited section fails to even mention formatting a tune alert message **to reconfigure a second media player**. Reconfiguring an alert message is fundamentally different from using a tune alert message to reconfigure a media player. There is no teaching or suggestion in Shulman et al. for “(b) generating at the first media

player a tune alert message formatted to reconfigure the second media player to provide the content to a user of the second media player.”

For at least these reasons, the Applicant respectfully submits that claim 1 is patentable over Shulman et al. and the remaining prior art of record. Claims 2-7 depend from claim 1 and are allowable for at least the same reasons as claim 1. Claim 20 is allowable for reasons similar to the reasons provided for claim 1.

Claim 8 is drawn to a method of adjusting a configuration of a media player to receive broadcast and includes the feature of “(a) receiving at the media player a tune alert message formatted to reconfigure the media player to provide the broadcast content to a user of the media player.” As described above, Shulman et al. does not teach or suggest using tune alert messages to reconfigure a media player. On page 5, the Office Action admits that Shulman et al. teaches discloses broadcast content can be “customized or adjusted by a user based on the user’s preferences.” Adjusting broadcast content based on a user’s preferences is in stark contrast to “receiving . . . a tune alert message formatted to reconfigure the media player,” as claimed.

For at least these reasons, the Applicant respectfully submits that claim 8 is patentable over Shulman et al. and the remaining prior art of record. Claims 9-15 depend from claim 8 and are allowable for at least the same reasons as claim 8.

Claim 16 includes the features of “a tune alert module configured to adjust the tuner to process content received from the content source identified in the message.” On page 8, the Office Action alleges that Shulman et al. teaches that “content received from different sources as mentioned can be set to or tuned by the level settings accordingly, for example, with or without a header and on how to transmit that alert notification (see Fig.

2b, and page 5/section 0054 for further details.” The statement included in the Office Action and the sections cited in Shulman et al. make no mention of using any device to “adjust the tuner to process content,” as claimed. Moreover, there is no teaching or suggestion in Shulman et al. for adjusting a tuner based on information received in a message.

For at least these reasons, the Applicant respectfully submits that claim 16 is patentable over Shulman et al. and the remaining prior art of record. Claims 17-19 depend from claim 16 and are allowable for at least the same reasons as claim 16.

Claim 21 includes the feature of “a means for transmitting tuning information that corresponds to the content and is **formatted to be used to tune a remote device.**” On page 10, the Office Action alleges that this feature is somehow met by the State Alerts & Schedules 190 and Store & Forward Data 186 in Shulman et al. State Alerts & Schedules 190 and Store & Forward Data 186 are described in paragraph 48 of Shulman et al. Paragraph 48, as well as the rest of Shulman et al., fail to teach or suggest State Alerts & Schedules 190, Store & Forward Data 186 or any other elements performing the function of “transmitting tuning information that corresponds to the content and is **formatted to be used to tune a remote device.**” as claimed. The Office Action fails to specifically identify where Shulman et al. teaches or suggests an element performing this function.

For at least these reasons, the Applicant respectfully submits that claim 21 is patentable over Shulman et al. and the remaining prior art of record.

Rejections under 35 USC § 103

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shulman et al. in view of Pepper et al., (U.S. Patent 5,930,700).

Claim 22 includes the feature of “a tune alert module coupled to the tuner module and the transceiver module, the tune alert module generating tune alert messages that are formatted to adjust a tuner module of another mobile terminal.” On page 11, the Office Action alleges that this feature is disclosed in Shulman et al. As is described in detail above, the Applicant submits that Shulman et al. does not teach or suggest “generating tune alert messages that are **formatted to adjust a tuner module** of another mobile terminal.” This feature is also not found in Pepper et al. or even alleged to be found in Pepper et al.

For at least these reasons, the Applicant respectfully submits that claim 22 is patentable over any combination of Shulman et al. and Pepper et al. and the remaining prior art of record.

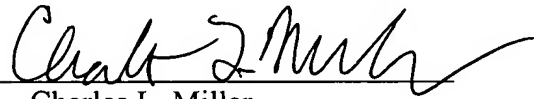
Application No. 10/066,631
Response Dated: October 31, 2003
Office Action Dated: August 1, 2003

CONCLUSION

The Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner believe that a conversation with Applicant's representative would be useful in the prosecution of this case, the Examiner is invited and encouraged to call Applicant's representative.

Respectfully submitted,

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